Previous references.

File No. 265-05

1905

Serial Nos. 1-11

(Courts)

Later references.

CS 243-12-7 B.
96-15 (1)
113-16 (1-5)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-11

Part B. for July 12

SUBJECT.

quiry regarding certain missing jewells in H.C. Criminal Case no 31 of 1904.

From the Registrar Chief Court no 7400/38 dt 16-4-06
forwards certain correspondence on the above subject & says that the Judges consider that an independent enquiry should be made for reasons given.

To the D.M. Mepore

To the same officer, no 3537-8 dt 21-6-06
Directs a thorough enquiry by the Magistrate on certain lines

3. From the D.M. Mepore. no 1390/ dt 30 June 1906
Makes a report in the matter.

4. To the same officer. no 1279 dt 30-7-1906.
G.R.S. 58 Requests that the investigation be made on the lines

indicated in A.2.

5. From the D/. Magte Mysore no A dy 26th April 1909.

States that there is no chance of the jewells being traced
& forwards ~~records~~ notes of the investigation on the lines indicated

6. To the D.M. Mysore. no. J 3843 dy 12-6-1909

Requests that the value of the missing jewells may be ascertained.

7. From the D.M. Mysore. no 79 dy 31st July 1909.

~~makes a~~ Reports about the value of the jewells.

8. To the same officer. no J 532 dy 20th Aug. 1909

Returns the property register received with 81.7.

9. To the same officer no J 729 dy 9-9-1909.

Requests that a thorough investigation may be made to find out the value of the jewells, & that the explanation of the magistrate in charge of the Court may be obtained.

10. From the same officer. no 132 dy 3rd Feb 1911

Submits the report called for with records.

11. To the Registrar, Chief Court, Dt. magistrate, Mysore, I.G. of Police, & Comptroller. no J 68-71 dy 4-7-12

~~Proceedings~~ Directs that the value of the jewells be recovered from the officials proved be responsible in the manner indicated.

~~Rbt~~
Kadasivan.
1/3/12

C. 82.

G.R.S. 11] 20.8.09 1906.

GENERAL AND REVENUE SECRETARIAT.

(III. Courts)

NOTES.

File No. 265-05-0

FILE HEADING.

Enquiry as regards certain missing jewels connected with Mysore Sessions Case No. 31 of 04-05.

From

The Registrar, Chief Court of Mysore.

No. 7400-381 Dated 16-4-06 Received 17-4-06.

Diary No. 2634	Enclos. 1/Nil Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Forwards correspondence between the Sessions judge, Mysore & the Dt. magte Mysore regarding certain missing jewels connected with Mysore Sessions Case No. 31 of 1904-05 and states that the judge considers that the case is scandalous and requires a thorough enquiry by a Spl officer other than the City Magistrate & the Dt. magte, and requests therefore that an independent officer may be appointed for the purpose.

NOTES AND ORDERS.

The facts of the case are as follows:—

SRV 9-6-06.

1. Certain jewels were produced in Criminal Case No. 34 of 1903-04 on the file of the City Magistrate, Mysore. The Case was committed to the Sessions and the jewels were ordered to be deposited in the Taluk

NOTES—First sheet.

MGCPB—5,000—18-5-04

Serial No.

in the meantime.
Treasury. When the jewels were produced in the Sessions Court, it was found that some were missing. The City Magistrate ~~states~~ who was asked to hold an enquiry states that the officials of his Court were not responsible for the loss of the missing jewels as they were not in their custody at the time of the trial of the case, that the jewels remained in the custody of the Police and that their explanation that they might have been dropped on the ground while being handled when the case was under enquiry may be accepted as probable. The District Magistrate, however, is of opinion that the jewels were lost through the carelessness of the officials of the city Magistrate's Court who should be held responsible for the loss, in which opinion the Sessions judge agrees.

2 The chief Court ~~suggests~~ say that without careful enquiry it is not possible to fix the responsibility on any body and recommend that an independent officer may be deputed to hold an enquiry.

Subd for orders

SW 4. Submitted to the Dewan

17-4-W Sahib thro the 1st & 2nd Councillors for orders. — May not the I. G. of Police be asked to hold the enquiry

PTO

GPB—50,000—23 10-05

17.4.1905

G.R.S

General and Revenue Secretariat.

File No. 265 of 1905/06

Serial No.

5

I think that the Case should be placed in the hands of the Dy Supdt of Police both for ascertaining by full local enquiry who are to blame for the loss complained of and for a detection of the theft & discovery of the lost property if possible — Sd/- 7.6.06

2nd Commissioner

6

8/4/1906

Read 27.4.06.

6

One year has already elapsed. The City Magistrate holds the Police responsible for the loss. The Sessions Judge & the Distt Magistrate think that the loss occurred thro' the Carelessness of the Officials of the City Magte's Court. It is extremely problematical if the missing property can be detected now. But we should get to the bottom of this most disgraceful occurrence. A Commission consisting of one of the Judges of the Chief Court & the Dy Supdt of Police may be appointed to sift the matter thoroughly and submit a report. The conduct

NOTE—Contn. sheet

GPB—50,000—23 10-05

Serial No.

of the Police being in question I have suggested that a Police Officer unconnected with the Dist administration be associated with the Supt of Police in holding the enquiry. It is a pity that so much time has been lost already.

V V Kothawmaphet
28/4/06
2d Councillor

501/28/5/06

6
2.5.1906

I am afraid the Commissioner proposed is not the best agency to get at the truth. I quite agree that this is a very discreditable incident - I would ask the Dist Magistrate himself to investigate the matter & recommend the persons responsible for the loss I jewel for suitable punishment. A clear finding should be recorded as to the practice prevailing in regard to the preparation of such I property connected with a Case & to the persons responsible for their Custody when (1) produced before the Court.

& (2) after production before the Court

Draft
read
26.5.1906

§ 25/5/06

NOTE—Contn. sheet

GPB—50,000—23 10-05

G.R.S. 12]
General and Revenue Secretariat.

(15 File No. 1105 of 1905.

Serial No.

6

Subd with a draft order

SN
28/5 for KR
28.5.06

28.5.06 Draft framed 18.6.06

1. To the Registrar, Chief C & Dt Magte, Mysore.
G.O.No. 3557-8 - d: 21-6-06.

Directs the Dt Magte to investigate the matter himself and recommend the persons responsible for the loss of jewels for suitable punishment and observes that a clear finding should be recorded as to the practice prevailing in regard to the preparation of lists of property &c. & the persons responsible for its custody (1) when produced before Court & (2) after production before Court.

Record w
27-6-06

3. From the District Magistrate, Mysore Dt.
No. 1390 dated the 30th June 1906.

949. Submits the records of the case with his decision and finding on the points noted above.

4. The District Magistrate says that both the Head Munshi & the ~~Court~~ Dy Munshi (Court clerk) of the City Magistrate's Court are responsible for the loss of the jewels & they should ~~make~~ be ordered to make good the value of the jewels

ontn. sheet

G.R.S. 12]

General and Revenue Secretariat.

C5 File No. 265 of 1905

Serial No.

Lor. Dulal Poddar.

SW
11-7-06
RR
11-7-06

The finding of the District Magistrate is that

(1) the Head Munshi and the Deputy Munshi are equally responsible for the loss of the jewels and should be ordered to make good their value.

(2) the Head Munshi is "primarily responsible for the custody of property when produced before the Court i.e. during the progress of the trial"

In G. O. No. J3557-8/C5 265-05-2 dated the 21st June 1906 the District Magistrate was requested ~~(1) to~~

(1) to recommend the persons responsible for the loss of the jewels for suitable punishment

(2) to record a clear finding as to ~~criminal~~ the practice in criminal cases generally regarding the following matters:-

(a) the preparation of lists of property

(b) who is responsible for the custody of property when produced before the Court?

Note—Contn. sheet

MGCPB—50.000—24-7-05

Serial No.

(c) who is responsible for its custody after production before the Court.?

13 The District Magistrate ~~has not recorded~~ ~~report does not contain~~ a finding about all the points referred to him. About point (1), he ~~does~~ holds the Head Munshi and the Deputy Munshi equally responsible. About point (2) a regarding the preparation of property lists, ~~he reports~~ is silent. About 2(b) he says that the Head Munshi is 'primarily' responsible for the ~~same~~ custody of property "which pro-duced before the Court i.e. during the progress of the trial". About 2(c) also the report is silent.

But does not say who is actually responsible

15 He however later refers to these points but merely states an opinion apparently without any enquiry by ~~him~~

14 The District Magistrate may be asked to record a clear finding on all the points that were referred to him.

Seen 13.7.06

16 Yes, please do so. (The records may be returned to him for reference & record)

15.7.06

17 Put up draft, please by 16-7-06

18 Draft passed by 27.7.06

Sd/ 30-7-06

GPB—50,000—23.10.05

Serial No.

4. To The District Magistrate, Mysore. No J.279 of 30.7.06.

Returns the records received with his letter and requests him to record a clear finding on all the points raised in Sl No 2.

5 From the same officer, No. J 26.4.1907.

Resubmits the records with his finding on the points referred to above.

Submd for orders.

HCS SM
1/5/07

20 The findings submitted by the District Magistrate Cover all the points raised by the late Dewan in his order of 25th May 06.

7 Z. 21. The memorandum, in which the findings are embodied, explains sufficiently the reasons for holding the two Court officials of the City Magistrate's Court (Subbaraji Urs and Bhuma Rau) and the two police officers (Ananda Rama Iyengar and Chelvaraja) responsible for the loss of the jewels. Of these two latter Chelvaraja is dead. Mr Sparkes, who held the

GPB—50,000—23 10-05

Serial No.

first Enquiry, was of opinion that the two Court officials alone were responsible for the loss but the reasons given by Mr Kanta Raja Rao for throwing the responsibility on the Police officers also are more convincing. For instance, the initial fault in the procedure was with the police who failed to submit a "Mal-form" though they had seized very valuable property. If this petti had been prepared and submitted, there would have been no necessity for the Court clerk to prepare a further list.

But this does not exonerate the Court clerk

22 Again, it is an admitted fact that throughout the trial in Court the jewels were handled ~~[illegible]~~ by the Police*. Even though in ~~[illegible]~~ theory, the responsibility for the custody of the jewels was transferred to the Court officials when the Court seal was affixed to the boxes when they were handed over to the Police after each day's trial, it can not be denied that the Police had ample opportunities to abstract the contents

* Please see Mr Kanta Rama Iyengar's admission in the last sentence of his statement before the City Magistrate Flag D

GPB—50.000—15-5-08

Serial No.

Hence it is we find that ~~that~~ when the boxes were produced before the Sessions Court (after an unaccountable delay as remarked by the 2d Magistrate), the Contents were ~~Examined~~ Compared with the rough pencil list and not with the Mahazar. (Please see Ananta Rama Iyengar's 60 statement)

25 2. This also significant that Ananta Rama Iyengar (who was the Police Officer Concerned) was present at the time the ~~jewels were opened~~ box was opened in the Sessions Court and the official ~~present~~ in whose presence the box was opened, was Ananta Ramaiya, who, as we ~~know~~, was subsequently discovered to have Committed vast Embezzlements in the district Court and who Committed Suicide when the frauds were discovered.

26 2. If Ananta Rama Iyengar ~~was~~ really honest, he Should have ~~have~~ had the jewels Compared not with the pencil list — but with the Mahazar. His omission to do so read with his own initial omission

NOTE—Contn. sheet.

GPB—50.000—18-5-08

Serial No.

to prepare the Malpatu gives rise to very strong suspicion against him.

2. The missing articles are very tiny things being small diamonds, nose screws etc. There was therefore considerable facility for frauds.

3. Ananta Rama Ayengar's explanation that they might have been dropped on the floor when they were being handled in Court is not worth serious consideration and can only be taken as intended to avert suspicion from himself.

4. The Sha. Police Officer (Chikvaiya) who was also concerned in the investigation is dead. The responsibility therefore rests now on three persons viz — Subba Raje Urs, (Court clerk) and Bhima Rao Hd Munshi of the City Magistrate's Court and on Chief Constable Ananta Rama Ayengar. This is the view of the District Magistrate (Mr Kanta Raje Urs) Suitable punishment.

NOTE—Contn sheet.

GPB—50 000—17-3-07

G. S. 12]
General and Revenue Secretariat.

C4 File No. of 190 6

Serial No.

has now to be awarded to the men that may be found responsible for the loss of the jewels, and then including recovery of their value.

26th May 09.

Secretary

To Recovery of the value of the Jewels from the men adjudged responsible for their loss & is perhaps in itself a sufficient punishment, in the absence of decisive evidence pointing to some one of them as the real culprit.

Dewan Bahadur 1902, 2nd Jan

26.8.09

Secy 2695/27

I agree with the Secretary. Head Munshi Bheema Rao has since been retired. Both he & the Court Clerk & Subbarayans are primarily responsible for the loss of the jewels. The D.C. Mysore has given good reasons for holding Chief Constable Ananta Narayana also responsible for the loss. I accept this view

I Recd Just

NOTE—Contn sheet.

GPB—50 000—17-3-07

G. .S. 12]
General and Revenue Secretariat.

CS File No. 265 of 1905

Serial No.

The value of the missing jewels may be recovered in equal portions from the 3 persons named above. This will be sufficient punishment under the circumstances

27/5/09

606)

2nd Cr)

3rd Before disposing of this matter, it is necessary to ascertain the value of the missing articles (1 nose screw with cut diamond, 1 nose screw with rose cut diamond, 1 Pair of cut diamonds, 1 cut diamond + 1 nose screw with small cut diamond). It is not mentioned in the Mahzar or anywhere else as far as I can see in the proceedings. The District Magte may be asked to ascertain & submit a report.

3rd It is not clearly stated in the record whether the property produced by the Police

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

was ~~not~~ registered as required by the Criminal Rules of practice in the Property Register (IX) - See Cr. Digest P. 50. - and if it was not registered why it was not registered duly. An inspection of the register of this period may possibly throw some further light on the case. The D.M. may also be asked to investigate this question also

7/6/9

(The Asstt Secy will please verify accuracy

7/6/9

I have compared the above information with the entries in the Register of Criminal Records in the Office of the Engineer & the D.M.

8/6

8/6

Please make Enquiries of the District Magistrate - Ask for an early answer

8/6/09

9.6.09

9/6/09

P. 70

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

File No. 265 of 1905-06.

Serial No.	
	To the District magistrate of Mysore.
	No J 3843 & 12.6.1909 -
	Enquires what the value of the missing jewels might be; and whether the property was registered in the City magistrate's Court in the property Register prescribed by the Rules.
7.	From the same officer, No 798 31.7.09 -
	States that the value of the missing property is, as stated by the then Sessions Judge, between 3000 and 5000 rupees, and that he is unable to give his own opinion; and adds that the property Register does not contain the details and Valuation of the several articles.
	Subd for orders.
	HCG SW 6.8.09 - 7.8.09.
	Details are not mentioned in the property Register. A note has been made that the box has been ordered by the Court to be handed over to the police for safe Custody being deported for in the Treasury. No further light is thrown as to the responsibility of the Officials Concerned.
	Submitted to 2nd Comm

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

CD File No. 65 of 1905-06

As to the value of the articles lost, attention is invited to the Collector's letter, copy of which has been forwarded by the Dist. Magte

1607
11.8.09

Serial No.

who called for the information

10/8/09

39 The entry in the Property Register is as follows:

1. No. 126

2 Name & owner.

3. How produced.

4 By whom & when

27-2-1904

5. No. & description &c

40 A remark is added that the property in 2 boxes sealed by the Police was sent for safe custody to the Treasury.

The form requires the description & value of the

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

property to be entered and an express order requires that the property should never be left in the custody of the Police (AP. 50+51 of the Dr. Digest)

41 Whoever may have to pay the value of the property, it is necessary to ascertain the same. The D. M. was asked to do so by an investigation. If the register gave no details, he should have taken evidence — offered by the claimant The Sess. Judge's letter merely gives the value put upon the articles by the Complainant and the accused, and is not the Judge's opinion arrived by an independent examination of evidence

42 The D. M. should again be asked to make a thorough enquiry and arrive at an opinio Concerning the value of the missing jewe The Magistrate who was in charge of the Court when the property was first produced (27-2-4) should be asked

Serial No.

to explain why he did not see that the rules about the registering and custody of the property were properly observed

43 The matter has been ~~[illegible]~~ pending for an unduly long period & ~~[illegible]~~ it is to be regretted that the local authorities did not go about in the right way to dispose of it finally without any unnecessary delay

44 If the value is found to be 3000 or 5000 Rs, I fear there is little chance of its being recovered from these men.

45 We have to pass an order also directing that the value be paid to the complainant at once. It would hardly be fair to ask him to receive instalments extending over some years, after this long delay.

46 Please submit to the Dewan before issue of further orders.

property register may be opened after full copy of the diary is taken & placed in the file.

NOTE—Contn. sheet.

2044 12/8/09

GPB—50.000—13-5-08

12/8/09

Serial No.	
	To be brought up at the next meeting of the Council.
	Include in agenda 4/09/09 SH 17/9/09
4 clerks 19/8/	
	48 This has been noted in the Council Section. In the meanwhile, the property Register may perhaps be returned as ordered by the Second Councillor. A copy of the entry required for our purpose will be found on page 216 of the Sessions Court Records.
Rag N	
	49 Draft Submitted for approval. HCS 20.8.09 SN 20/8/09 5d Issue 20/8/09 SH
8	To the District magistrate of Mysore R.J.5329 20.8.09.
51	Returns the property Register. The file may be sent to the Council Section now.
	HCS 24.8.09.
To cl clerk for receipt	
	SN 24/8/09

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

CS File No. 265 of 1909

Serial No.

52 The matter was discussed in Council yesterday and the following instructions given:

(1) The enquiry suggested in para 42 of the Secretary Council's letter of 12 Aug/09 should be ordered to be made by the Dt Magte of Tanjore. The enquiry may, if possible, be made in the presence of the three persons proposed by the Dt M. to be held responsible (the Head Munshi & the Conservancy Clerk of the City Magte's Court & Chief Constable Ananta-ramiengar). (2) The same Dt Magte should also be asked to obtain the explanation of the then City Magte (Mr Bowring?), on the points referred to by the 2nd Cl. in the same para of the letter.

53 Draft acctd & issued. The only papers may be rtd for refce Lr from Govt with reply. A Govt for very early reply

54 Draft early 7/9/09

55 7/9 Draft submitted for 7.9.09

56 Issued 8/9/09

57 Issued 8/9/09

Note—Contn. sheet.

GPB—50,000—13-5-08

Serial No.	
9	To the District Magistrate, Mysore N° J 729 & 9.9.1909. Requests him to make a thorough enquiry with a view to ascertain the exact value of the missing jewels in the case, and to submit a report along with the explanation of the then presiding magistrate as to why he did not see that the rules about the registering and Custody of property were properly observed
10	From the Same officer, N° 132 & 3.9.1 Reports upon the Value of the missing Jewels &c, 57 Subs (1) As regards the Va of the missing jewels produced the above Case before the City Magistrate's Court, the District Magistrate has examined the Police officers who Conducted the Search of the accused Venkata-Sama Chari's house, and Seized the property found with him, as well as the persons that formed the Panchayet. His opinion after taking all the Circumstances into

GPB—50,000—18-5-08

G. R. S. 12]
General and Revenue Secretariat.

Ct File No. 265 of 1905-06

Serial No.

Consideration is, that the miss jewelry could not have been worth more than Rs 1000/- and he thinks that those articles may not have been lost at all, but might have been presented to the Police and the Court officials by the Complainant Maddaya, in consideration of ~~his having~~ almost the whole of his lost property having been recovered

58. (2). The explanation of Mr Bowring, the then ~~Presidency~~ City Magistrate, myself for having failed to have the properties registered according to the Rules of Practice will be found in his letter dt 8.1.1910. He says that the Head Munshi neglected to enter the same in detail in the property register which he ought to have done and that he (Mr Bowring) was under the impression that the Head Munshi as the Chief ministerial officer of the Court, was invariably doing this

P.T.O.

W.

NOTE—Contn. sheet.

GPS—50,000—12-8-10

Serial No.

Subs for orders

HQ-122 SW(11) 9.9.11. 59 The report has been received nearly two years after it was called for and the occurence itself is now nearly Six years old

60 Nobody has claimed the value of the property but it is not clear if any claim on this account orders need not be passed now for its recovery - as far as it may be practicable - from the responsible officials concerned. A claim may be presumed against the Govt treasure

61 The District Magte appraises the missing jewels at Rs 1,000/- at the outside. This valuation may be accepted

62 Some disciplinary action appears to be necessary in regard to the officials responsible for the loss of the jewels. This is a matter for orders now.

[Please see notes on pp 13-21]

14/9/11

Sec'y.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

Cs File No. 265 of 1905-06.

Serial No.

13 Though there may be good reason to suspect the police officers Anantanarayanan & Chelliah, the liability to make good the loss must be considered to rest with the Court officials - Hd Memoshi Bhima Rao and Court Clerk Subbaraj Urs - who took charge of the property from the police & whose duty it was to see from day to day that the articles were safe.

14 These two officials should be required to pay up 1000 Rs - the value of the jewels as estimated by the Dt magte. - Bhima Rao is said to have retired & the recovery has to be made from his pension -

15 In regard to Anantanarayanan departmental punishment would seem to be appropriate and in the circs of the case dismissal would not be too severe or unmerited.

Dewan through 2nd Cr & 1st Cr) CS-B 9/04/11

16 The responsibility should be thrown equally on the two 9/4/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

Court officials and the Police Officer Anantara Mudiyar. It is not clearly proved which of them (if any) is actually concerned in misappropriating the lost articles. They may all three be ordered to make the amount of the Compensation due (1000 Rs) in equal shares. The sum may be recovered by instalments from pension or pay — equal to 1/4 of what each man gets. (7)

If the party entitled to it (i.e. Complainant Mada daya) turns up and claims the money, the pay to of the sum due to him may be separately ordered.

NOTE—Contn. sheet.

Recd. 21.12.11.

21.12.11.

21/12/11

GPB—50,000—12-8-10

Serial No.

68

I agree with the second Councillor
I have already recorded that
the Court Clerks & Police
Officer Amantha summonses
should be made to pay the
value of the missing jewels
which is now an enquiry
found to be about Rs 1000/.
It is unfortunate that
this case has dragged on
so long

WPH
29/1/12

Sd A S Pearay

14628
30.1.12

29/1/12

69 I agree - draft order
accordingly —

29/1/12

70 Please draft —

CSB.
1/2/12

eb 1/2/12

1/4/12

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

Subd. with a draft order.
K.V.(123) 16.4.12 SN 4/5/12

Please make a fair copy as resid.
SH
10/5/12

Fair draft Subd.
K.V.(123) 10.5.12 SN (11)

A draft is put up for approval.

Govt not having accepted the view that the three clerks have themselves misappropriated the jewels but held that the loss is due to their neglect on their part, only so much of the circumstances are narrated in the draft as is necessary to establish their (the clerks') liability on this ground.
SH
16/5 10/5/12

Draft may be app^d
— Sec^y & Dewan.
10/5/12
SH

Subd draft attd
Sec^y [2 misunderstood] n/k, thinking that Chelvambal's name was had been omitted only because he is dead.
Subd 18/5/12 SH 23/5/12

Note—Contd. sheet.

GPB—55,000—2-4-09

G. R. S. 12]

General and Revenue Secretariat.

Cts File No. 265 of 1905-06.

Serial No.	
	7 Draft appd by 1st Councillor 24.5.12 MdS
1586 / 28-5-12	Submitted to Dewan 28/5 28.5.12
	8 Draft approved for early issue — Sd/ V. Ponnuswami
	8 Issue as ans please 1/7 Sd/ 1/7/12
15 9	11 To the Dirs, Mysore, the Regr ch ct, the Dy of Police, & the Comptroller No J 6871 dy 4-7-12 Orders the recovery of the value of the missing jewels from Bheema Rao, Subba Rajurs and Anantarama Iyengar in Equal Shares by monthly instalments equal to one fourth of the pay in the cases of Subba rajurs & Anantarama Iyengar and to one-fourth of the pension in the case of Bheema Rao & requests the Comptr to report at the End of each official year the total amount recovered.

NOTE—Contn. sheet.

GPB—20,000—20-1-12

File No 265-05-06
serial No

Bangalore, dated 16th April 1906.

From

V.A. Raja Ratn a Mudaliar Esq:,

Registrar of the Chief Court of Mysore.

To

B.K. Venkata Varada Iyengar Esq.,

Secretary to Government,

Genl. & Rev. Departments.

Sir,

In forwarding for orders of Government letter No. 2428/459 dated 2nd instant from the Sessions Judge, Mysore, with its enclosures as per pharist enclosed regarding certain missing jewels connected with Mysore Sessions Case No. 31 of 1904-5, I am directed to say that the statement of Mannar Krishna Setty (Vide page 14 of the papers enclosed with the above letter of the Sessions Judge) that the boxes in charge of the Police were placed in their charge under seal of the Court and the false and lame explanation of Subraja Urs clerk of the City Magistrate's Court regarding the list placed by him on the record for the court of the Sessions appears very suspicious. The Judges consider that the case is a scandalous one and a thorough enquiry by a special officer other than the City Magistrate, or the District Police, Mysore, is needed. It is difficult to say without careful enquiry whether the Police or the City Magistrate's court officials were in charge of the jewels and could consequently be held liable to make good the loss.

I am to request that Government may be pleased to --

depute

(2)

depute an independent officer to hold a thorough enquiry.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

Enclosure to 81-M
Ch 26 1-05

No. 2428/459 Sessions Court Mysore Division.

Mysore dated the 2nd April 1906.

From

S.Venkatavaradan Iyengar Esquire.,

Sessions Judge, Mysore Division,

M y s o r e.

To.

V.A.Rajaratna Mudaliar Esquire.,

Registrar, Chief Court of Mysore,

B a n g a l o r e.

Sir.,

I have the honour to submit the following for the information and orders of the Chief Court:-

2. The preliminary enquiry in Mysore Sessions case No. 31 of 1904-05 was held by the City Magistrate here. In the course of the search made in the house of the accused Venkatasami Achari many articles of jewellery were found and at the trial of the case all of them were produced save the following:-

I. An English cut diamond nose-screw (Muga Battu)

I. A nose-screw set with a Valanda Kamala (Diamond).

I. A pair of English cut loose diamonds.

I. A small nose-screw set with an English cut diamond.

I. A small English cut loose diamond.

3. In letter No. 1976/201 dated 22nd April 1905 the then Judge of this Court brought to the notice of the District Magistrate the fact of the last mentioned jewels not having been produced before the court and observed that though the trial commenced on the 29th March 1905 the property and the list thereof were not received till the 31st Idem, when witnesses who had already been examined and cross-examined had to be recalled with reference to the jewels produced in the case. It was also brought to the notice of the Magistrate that the proper list of the property had not been placed before this Court.

4. The District Magistrate seems to have called upon the City Magistrate to hold an enquiry. The latter's reply No.43 dated 14th September 1905 reads to the effect that the officials of

his Court were not responsible for the loss. But the District Magistrate observed on that report that as the list of the jewels was prepared by the officials of the City Magistrate's Court and those officials were in charge of these jewels they and no one else were responsible.

5. There is no doubt that the list was prepared in the City Magistrate's Court. Clerk Subbaraje Urs of that Court has stated as follows:-

" The jewel boxes were produced by the City Police, and as per orders of the Court the Police were the sole custodians of the jewels during the enquiry. I made a note of the jewels which were shown to the Court by the Police in the course of enquiry for the purpose of reference of the Court when required. This rough list was inadvertently filed with the record and when the Sessions Judge called for a list of jewels, I made a copy of the said rough list believing that it might be a correct list and presented it to the Sessions Judge,"

6. The explanation needs no comment and speaks for itself. The proper list was not produced and another was put into the re-cord instead. When notice was drawn to this fact the clerk presented the wrong list to the Sessions Court. Whether all this was done inadvertently is a matter for question. Mr. Venkata Rao, the City Magistrate has however attemped to support it and writes as follows:-

" The explanation of the Police officers that the missing jewels and precious stones might have been dropped on the ground while being handled when the case was under enquiry in this Court, and thus lost, may be accepted as highly probable."

I must beg to confess my inability to follow this explanation, and the District Magistrate has also been unable to accept it.

7. I entirely concur with Mr. Sparkes in the observation that the whole matter discloses gross carelessness on the part of the officials of the City Magistrate's Court and I would add that the negligence is highly culpable also. At any rate the case seems to deserve more serious notice than a mere order for recovery of

the value of the missing property from the officials of the City Magistrate's Court,. Such recovery is further extremely doubtful.

8. The articles in question consisted of precious stones and jewels of which the two loose stones were worth Rs. 3000 and more according to Mr.Evers, the Counsel for the complainant. Mr. Evers also tells me that the accused contended that the jewellery was worth over 5000 rupees. The parties concerned as likewise the general public expect the Court to keep the property safely and to return the same to the propertparty when no longer required. The complainant came to the Magistrate for relief on the ground that the accused with whom he had entrusted his &&&& property had misappropriated it. The result now is that though the accused has been convicted and the conviction has been &&&f confirmed by the Chief Court the complainant is in no way benefited as regards the articles in question which have been apparently stolen after production before the Magistrate. The Government may have to meet this bill in time. The whole correspondence on the subject is submitted in original for reference.

I have the honour to be,

Sir,

Your most obedient servant.

(Sd.) S.Venkatavaradan Iyengar,

Sessions Judge, Mysore Division.

"Copy"

SD/- T. Paramasiva Iyer
Sessions Judge.

--------@@@&&&@@@--------

"C O P Y"

S Srikantaiya
District Magistrate
Deputy Commissioner
Mysore District.

S.N.

G.R.S. 28]

(3)

Courts.

File No. 265-05.

Serial No. 2.

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 190

Date of issue 21-6-06.

Signed by Dr. B. Ramaseshaiya

READ.— Letter No. 7400/381 dated the 16th April 1906, from the Registrar of the Chief Court of Mysore, forwarding Correspondence between the Sessions Judge, Mysore Division and the District Magistrate of Mysore regarding the loss of certain jewels connected with the Mysore Sessions Case No. 31 of 1904-05 and requesting that an independent officer may be deputed to hold a thorough enquiry into the matter.

~~ORDER THEREON.—No.~~

over Order

SUBJECT

MGCPB—20,000—24-2-05

(4)

Order thereon No. J. 3557-8 / Cab 265-05-2 dt 21-6-06

The Govt quite agree with the judges in their remark that this case is a very discreditable incident. The District Magistrate of the Mysore District is requested to investigate the matter himself and to recommend the persons responsible for the loss of jewels for suitable punishment. A clear finding should be recorded as to the practice prevailing in regard to the preparation of lists of property connected with a case and as to the persons responsible for its custody (1) when produced before the Court and (2) after production before the Court.

18.6.06

To Secretary

Copied by WL. 26.6.06
Examined by MH

24.5.06 28/5/06

The Registrar, Chief Court, returning the original Records of D. Magistrate, Mysore District

Vol 05 III nos 2716 1906 Courts 1/49

From 3

The Magistrate

Mysore

To

The Secretary

Genl & Rev Depts -

Dated 30/8

Despatched 31/7

Received

General No. 1390

No.

Enclosure No. 1 file

Submits reports regarding

persons in Seas case 13 of 04/05

(5)
No 1300
Ex 1906

Deputy Coumr's office,
Mysore District

Dated Mysore 30th June 1906

To,

R. S. Chandrasekharam Iyer Esq,
B.A., B.L.,
Secretary to the Government
of Mysore,
General and Rev. Depts.
Bangalore.

Sir,

Adverting to Government Proceedings No 93557-8/Courts 265-05-2 dated the 21st June 1906 directing the District Magistrate to hold an investigation into the matter of some of the missing jewels connected with the Mysore Sessions case No. 31 of 1904-05, and to record a finding on certain points, I have the honor to submit herewith for favor of orders, the proceedings passed by me and the connected papers (in original). A copy of the proceedings has also been sent to the Sessions Judge.

2. I am of opinion that both the Head Munshi and the Deputy Munshi of the City Magistrate's Court are responsible for the loss of the jewels. The practice of the Court seems to be not to prepare a separate list of properties, but to file the one presented by the Police. It is admitted by the Head Munshi that he is himself responsible for the safe custody

of

of the property taken possession of by the Court, both when produced before it, and after such production.

I have the honor to be,

Sir,

Your most obedient Servant

District Magistrate
of Mysore.

G.R.S. 26]

(7)

File No. 265 05.

Serial No 4

Diary No. of letter replied to _____

No. 9279

Cat 265-05-4

Esn Records.

General and Rev. Secretariat

( )

Bangalore the 30th July 1906

To

The District Magistrate,

Mysore.

Date of issue 30-7-1906

Signed by Mr. R. Mathan

30-7-06.

His letter No. 1390 dated the 30th June 1906 submitting a report in the matter of the loss of jewels connected with the Mysore Sessions Case No. 31 of 1904-05.

His Excellency the Governor in Council has perused the report and records a clean finding on the following points:—

(1) the preparation of lists of property.

over.

(2)

in G.O.N. 3557-8 & 21-66 / 265-2

SUBJECT.

(6)

(2) Persons responsible for the Custody of Such property when produced before the Court

(3) = ditto ——— after production before the Court

2. As regards point 2, the report of the Dt. Magistrate says that the Head Munshi is primarily responsible for the safe custody of the property when produced before the Court i.e. during the progress of the trial, but does not say who is actually responsible. This should be made sufficiently clear.

3. The Dt. Magte's report does not contain a finding on the other points i.e. points 1 & 3 though in the Covering letter he gives his opinion on both. He is requested to record a finding on these two points also by taking ~~out~~ additional evidence if necessary.

4. The records received with the letter under reply are herewith returned for reference & transmission.

List of enclosures,

Copied by MM. 28/7/06

Examined by MM 30

B

SM 17/7/06.

Secretary

MGCPB—20,000-19-12—04.

(9)

J 2795

No.A. Office of the District Magistrate

Mysore District

Dated 26th April 1909

29

From

M.Kantharaj Urs Esquire B.A.

District Magistrate

Mysore.

To

K.S. Chendrasekhara Iyer Esquire B.A., B.L.

Secretary to the Government of H.H. the

Maharaja of Mysore

Genl. & Rev. Depts.

Sir,

I beg to resubmit herewith the papers relating to the loss of jewels connected with the Mysore Sessions case No. 31 of 1904-05 with my finding on the three points referred to in your docket No. 279 of 30th July 1906. I confess that an explanation is due for this inordinate delay in resubmitting these records. I wa indulging in the fond hope that some clue would be found, sooner or later, leading to the discovery of these jewels so mysteriously disappeared. And I also expected that at least the parties themselves than whom there could be no one more interested, would turn up with some information or other enabling the authorities to trace the missing jewels. But I regret that nothing of the kind has happened, and it is needless to say that there is not the ghost of a chance of ever tracing these jewels.

Begging again the indulgence of Government in overlooking and forgiving this inordinate delay in the resubmission of these records

I beg to remain

sir,

Your most obedient servant

District Magistrate-Mysore.

Enclosure to 81.(5)
I. Ch 265-05

(10)

No. I The preparation of the lists of property.

It is seen that the Police produced only a "Mahazar" marked Ex.A in Cr. C. No. 234 of 1903-04 on the file of the City Magistrate, but no "Mal-form" or Property list which is the usual practice observed in all cases charge-sheeted by the Police. And even the "Mahazar" was not compared at the time with the articles produced by the Police, either by the Head Munshi or the Court clerk of the City Magistrate's Court. When there was no "Mal-form" presented by the Police along with the charge-sheet it was the duty of the Court clerk to have prepared an independent list of the articles as soon as they were produced by the Police before the Court and entered the same in the Property Register kept for that purpose. That such a course was not adopted by him is admitted by the Court clerk himself who is not new to the work. He has been doing this kind of work for over 15 years now. The Head Munshi is no less responsible for this gross negligence. That he merely signed Ex. B., a copy of the rough list made by the Court clerk without satisfying himself that the list did tally in all praticulars with the "Mahazar" prepared by the Police or without actually comparing the contents with the list he was going to sign, is a statement, the seriousness of which he does not seem to realise. A correct list should have been prepared, at least before sending the records with the property to the Sessions Court. Even this was not done, the Court clerk explaining that he was satisfied with a copy of the rough list in pencil said to have been prepared by him during the progress of the trial- a most unsatisfactory explanation which can hardly be accepted.

I therefore find from the facts gleaned from a perusal of these bulky records that the Court clerk T.Subbaraj Urs, no less than the Head Munshi, H.Bhima Row (since retired) is responsible for failure to prepare the lists of property in questi as soon as the same was produced in the City Magistrate's court by the City Police.

Enclosure to ch 265-05-5

(11)

No. II Persons responsible for the custody of property when produced before the Court.

As regards point No. II, properly speaking, the responsibility for the custody of the property when produced before the Court, devolves at once upon the Court officials namely the Head Munshi and the Deputy Munshi or Court clerk. The Police when placing the charge-sheet along with the property before the Court do as a rule submit a "mal-form" or property list. The Court clerk receives the Charge-sheet and the property list together with the articles and if after comparing and verifying the list with the articles produced, he is satisfied as to their correctness, he takes over charge of the property from the Police who cease to be responsible thereafter for the same . This is generally the practice that prevails in all criminal Courts.

But in this particular case it is seen that the two sealed boxes were even after being produced before the Court, ~~were~~ sent either to the District Treasury or to the Police for safe custody by the then City Magistrate, Mr. P.F.Bowring But the boxes were sealed by the Court clerk with the Court seal, before the same were handed over to the Police for custody. The seals on the boxes must have been found to be in tact for no one ever complained that they had been tampered with at any time when the boxes were produced before the Court from day to day as the case proceeded. The Police or the District Treasury were only responsible for the intactness of the Court seals and not for the contents of the boxes. Thus it must be argued that the two Court officials namely the Head Munshi and the Court clerk were actually responsible for the custody of the property when produced before the Court and I find on this point also accordingly.

No. III Persons responsible for the custody of property after production before the Court.

The same arguments as were applied in discussing point No. II, more or less apply in disposing of this point also.

(12)

Ordinarily, property produced by the Police and taken charge of by the Court officials is secured in a safe box under lock and key, the latter remaining in the possession of the Head Munshi. In the present case it is true that the two sealed boxes in question were not kept, even for a single day, on the Court premises. But the boxes were sealed by the Court officials in open Court at the end of the day's sitting and before they were handed over to the Police. It is admitted that the seals were examined by the Court officials on the next day when the boxes were brought into Court by the Police and there was nothing found to excite any suspicion. The seal of the Court is ordinarily left in the possession of the Head Munshi and so it was in this case also. It is also handled freely by the Court clerk during Court hours and in this case, he admits having sealed the boxes each time they were taken away from the Court premises. Thus even with reference to this point No. III, I find that the two Court officials mentioned above, were responsible for the custody of the property after its production before the Court, just as much as they were when the property was produced before the Court with the charge-sheet.

I do not know if I am in order when I go beyond my predecessor's finding, after perusing these bulky records, and record my further finding that the two Police officers namely Chief Constable Ananta Rama Iyengar and Head Constable Cheluviah(since) deceased) who figured so prominently in the City Magistrate's Court, are equally responsible for the missing of the jewels in question. They were the two Police officers who had the handling of the jewels from the time the house of the accused Venkataslamachari was searched until the case ended in conviction before the Sessions. The plausible, yet absurd theory that the jewels in question should have dropped on to the ground while being handled by so many persons including the Magistrate, during the trial, and thus lost, emanates for the first time from Ananta Rama Iyengar and is repeated parrot-like by Cheluviah

(13)

When they saw that the Court officials did not trouble themselves to prepare a new list or compare and verify the "Mahazar" Ex. A produced by them, with the contents of the boxes, that was just the time to do away with these tiny articles.

The deliberate omission on the part of the Court officials to prepare a proper list at any time, throws much suspicion on the bona-fides on their conduct and forces one to strongly suspect that they also must have been privy to the nefarious act of the Police officers and must have had their share of the pilferd jewels. The conduct of the two Police officers in question as can be jedged from a perusal of these records cannot be said to be straight-forward. Their own statements betray them. One or two days delay in producing the two boxes in question before the Sessions Court, after they were removed from the District Treasury, is a very significant, not to say suspicious circumstance.

Even when the City Magistrate wrote to the District Treasury Officer to send the boxes <u>direct</u> to the Sessions Court, the boxes were admittedly not taken there direct by the Police. Chief Constable Ananta Rama Iyengar explains that these had been taken first to the City Magistrate's Court for the purpose of examining the seals and that he himself had to go and get them when they were wanted by the Session Judge on the date of the hearing.

It was quite an easy matter for this Police officer to have, in collusion with the two Court officials who had the Court seal in their possession, opened and closed the boxes in the short interval between the time they left the custody of the District Treasury and the time they were produced before the Sessions Court. The boxes were sent away from the District Treasury on 29-3-05 in charge of the City Police Constable No. 187 Abdul Kareem, but they were not received in the Sessions Court till the 31st idem. Thus, during this interval of one clear day whether the boxes were in charge of the City Magistrate's Court officials or the Police, it was quite possible to abstract these

(14)

missing jewels.

It must also be noted that there was a delay of one clear day before the boxes were sent to the District Treasury for safe custody after the case was first discharged by the City Magistrate Mr. Bowring. The order of discharge was passed on 27-2-04 but it was not till 29-2-04 that the boxes were sent to the District Treasury for safe custody. Even this short delay must have afforded ample opportunity to the Police officers in collusion with the two Court officials to do away with the jewels in question. According to the statement of Inspector Ananta Rama Iyengar himself, before my predecessor, these articles could be very conveniently stolen without attracting much notice or rousing any suspicion.

Thus there is a very strong presumption that the two Police Officers in question are also equally responsible with the two Court officials, for the missing of the jewels in question.

26th April 1909

District Magistrate

MYSORE.

(15)

G.R.S. 26]

265
File No. 05
Serial No. 6

Diary No. of letter replied to 2795

No: 3843
Encls 1 file of records
Copy & parts
8/12/6/09

General and Revenue Secretariat
( )
, *the* 190 .

To
The District Magistrate
of Mysore -

Date of issue 12-6-09

Signed by M.R. Shivaswamaiya

Sir,

Adverting to your letter A dated the 26th April 1909, submitting the records connected with the loss of certain jewels ~~which were exhibits~~ in Mysore Sessions Case No. 31 of 1904-05, I am directed to request you to be so good as to ascertain and report the value of the missing articles in the case. Information may also be furnished

over.

SUBJECT.

11/6

(16)

as to whether the property ~~before the City Magistrate~~ produced by the Police was ~~in that Court~~ in the City Magts' Court registered in the Property Register No IX as required by the Criminal Rules of Practice ~~and if it was not registered, why it was not duly registered~~. I am desired to request you to investigate the matter further in this direction and to report the ~~matter~~ facts by inspecting the Register of Returns, if any, for that period which may possibly throw some more light on the case. if the properties have not been duly registered.

The favour of an early reply is requested as the matter is pending for a long time.

The entire records are herewith returned for reference and return with the Refs. ~~A Diary~~

List of enclosures

The Entire records are herewith returned for reference and return with the Refs.

~~and Report is awaited~~.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary

Copied by

Examined by SN

SN 9/6/05

MGCPB—30,000—16-2-05

Hyderabad
III 6 SP

1909 J333

From

The Director Mysore

To

The Secretary to the Govt of Mysore

Dated 31st.

Despatched July 1909

Received

General No. 79

No.

Enclosure No 1 + 1 file + 1 Register

R 7

Sir I am directed to forward herewith the Enclosed papers in the Mysore Sapphire Case No 31904-08 for report to

(17)

No. 79
Enc. No. 2

OFFICE OF THE District Magistrate

MYSORE DISTRICT,

Dated Mysore Camp 31st July 1909.

To

H. S. Chandrasekhara Aiya Esq., B.A. B.L

SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to your letter no J 3843 / Cts 265-05-6 dated 12th June 1909, re the loss of certain jewels in Mysore Sessions Case no 21 of 1904-05, I have the honor to state that the value of the missing articles is as stated by the then Sessions Judge in his letter no 2428/459 dated 2nd April 1906 to the Registrar of the Chief Court is between Rupees 3000 and 5000/- and a copy of the same is herewith submitted for information. I am unable to give my own opinion in the matter as no sufficient and reliable information can be had on the point from a perusal of the records.

I sent for and examined the Property Register of

of the City Magistrates Court and found no details with valuation of the several articles produced before the court given in it.

There is only a mention of the case with some description, such as gold and silver jewels, precious stones &c in the hand-writing of the then Head Munshi Bheema Rao since retired. It is also to be noted that the signature of the Magistrate has not been obtained in the appropriate column against this entry, although the same has been obtained in the several entries immediately preceding and following this entry.

The other points have already been brought to the notice of Government in my last letter. The entire records are herewith resubmitted together with the Property Register of the City Magistrate Court for reference

reference and final orders in the matter

I have the honor to be
Sir
Your most obedient servant

[illegible]

District Magistrate
of Ispyone

ab Encl- 1 Registered book,

G.R.S. 26]

Cts. File No. 265/05-

Serial No. 8.

Diary No. of letter replied to _____

No. J 5-32. 8 20/8/09
Cts 265-05-8

General and Revenue Secretariat
(Courts.)
, *the* 190 .

To The District Magistrate of Mysore -

Date of issue 20th August 09.

Signed by Mr. S. Veeriyannaiya

Has the honor to return herewith the Property Registers of the Cts Magistrates Court, Mysore, received with his letter No 79 & 31.7.1909 -

By order

for Secretary

Dft Hcs 19/8/09
20/8/09

over.

SUBJECT.

1/20/8

G.R.S. 26]

333

File No. 265-05-
Serial No. 9

Diary No. of letter replied to

No. J 729 Genl (Police Civil) original papers

General and Revenue Secretariat

( )

, *the* 190 .

To The District Magistrate of Mysore.

Sir,

In continuation of the Correspondence ending with this office docket No J532 - dt 26-5-05 & dated the 20th August 1909, regarding ~~and to~~ the loss of certain jewels connected with the Mysore Sessions Case No 31 of 1904-05, I am directed to request you to be so good as to make a thorough enquiry with a view to ascertain the ~~exact~~ description and value of the missing

over.

Date of issue 9-9-09

Signed by Dist Magistrate

SUBJECT.

jewels. The enquiry may if possible be made in the presence of the three persons proposed to be held responsible for the loss, viz the Head Munshi and the Court clerk of the City Magistrates' Court and Police Chief Constable Anantaramiengar

(2) I am also to request that the explanation of the Magistrate who was in charge of the City Magistrate's Court when the property was first produced may be obtained as to why he did not see that the rules about the registering and custody of property were properly observed.

(3) The records of the case are herewith returned for reference

List of enclosures.

Copied by

Examined by

MGCPB—30,000—16-2-05

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

for reference and
resubmission with the
reply.
4 The favour of a
very early reply is
requested.
I have te
Yr
for Secretary

Dft
4@2
7-9-09

III 8/9 Cp 190 1680

From

M. Kantharaja Iyer Esq., BA.
Deputy Commissioner & Dist. Magte.
Mysore District.

To

C.S. Balasundaram Iyer Esq., MA.
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Cp. Fls. 1 to 5-05
SCR 10

Dated 3 September 1911

Despatched

Received

General No. 132

No.

Enclosure No. as per margin

1 A Cr. Proceedings
Chi. Rs: 9729
Ch. 2 rel) 9.9.09.

Reporting upon the loss of certain jewels connected with the Mysore Sessions Case No: 31 of 1904-05.

2. An index of papers referred to in the Report

3 Depositions of 8 witnesses examined in this connection.
Marked as red from 3 to 8)

* Sent separately in a Registered parcel. with 2 - to Registrar of the City Civil Court-Bellary fort.

GBPM—21-9-1910—1,000.

27

No. 132
Enc. No.

OFFICE OF THE Deputy Commissioner, brit. maps.
MYSORE DISTRICT,

Dated Mysore Camp 31st August 1911 191

FROM

M.Kantharaj Urs .....Esq., B.A.
DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C.S.Balasundram Iyer .....Esq., B.A.
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.
GENERAL AND REVENUE DEPARTMENTS.

SIR,

In reply to your No.J130 dated 10-11-1909 and subsequent reminders ending with your D O. No.623 dated 19th instant I beg to submit as follows:-
I issued summons to the parties figuring in Sessions No. 31 of 1904-05 viz., Maddiah and Venkatasamachari- the complainant and accused respectively, to present themselves before me in order that I may ascertain from them the value of the missing jewels in question. The summons were sent for service through the Police who returned them without service on them, not being able to find the whereabouts of those two men, who are said to have left the city some time ago. Maddiah the complainant is said to have gone away to Bombay and not heard of since and Venkatasamachari is said to have left Mysore City directly after his release from Jail and no body knows where he has gone.

In the absence of these two men, the only course left open tome was to summon the Police Officers who conducted the search and seized the property found with the accused, which included the missing jewels as well and also the persons that formed the Panchayet at the time of the search and signed the mahazar prepared by the Police.

I however examined these persons on oath and their statements accompany this letter. I also issued notices to

28

to, Pleader Mr.M.S.Krishnasami Rao and one Mannar Krishna Setti the Palace shroff. The former was Venkatasamachari's counsel in the case before the City Magistrate and the latter also figured in the case before the City Magistrate as a witness to identify property belonging to him but seized by the Police and produced before the said court. As neither of them was prepared when question by me, to give me any idea as to even the approximate value of the missing jewelry, I did not think it worth my while to record their statements to that effect.

Item No.46 in the 'Jadathipatti' (Falg L) comprises all the missing articles viz., 1. Cut diamond (Calcutta) said to belong to Nagarthar Puttanna Setti.

2. English cut diamond nose-screw

3. Holland cut diamond nose-screw

4. One pair of English cut diamonds (loose)

5. Small nose-screw set with an English diamond.

6. One small English cut diamond (loose)

7. Eighteen flat diamonds, large and small

Of these, all but Nos. 1 and 7 are reported to be missing.

The page containing this item has been signed by not only the parties viz., Maddiah and Venkatasamachari but also by Head constable Anantharama Iyengar and some of the Panchayetdars. When the same was read out and shown to them, the witnesses examined by me recognised their signatures and also remembered the articles as far as they possibly could at this distance of time.

It will be seen from the statement of the three Panchayetdars examined by me that the articles comprised ~~the~~ item No. 46 and since reported to be missing, are by no means as valuable as the accused Venkatasamachari and the complainant Maddiah make them out to be.

According to witness Narayana Setti examined by me article No. 1 viz is the blue diamond said to belong to Nagarthar Puttanna Setti is estimated at Rs. 70/ or 80/. The three nose-screws

29

nose-screws viz., Arts. Nos. 2, 3 and 5 are estimated at Rs. 100/ or 120/, Rs. 50 or 60/ and Rs. 20 or 30/ respectively according to their quality and size. Art. No.7 is estimated at Rs. 200/. This witness does not remember anything about Arts. Nos. 4 and 6.

Witness Gundu Setti can give only the value of Art. No. viz., Nagarthar Puttanaa Setti's diamond which he said was sold for 70 or 80/ and bought in by a confedaracy of which he was one. He is not able to tell us anything about the other articles comprised in item No.46.

Coming to the last witness examined by me viz., Nagarthar Puttanna Setti, he gives the value of Art. No. 1 as being Rs. 100/ and states that in spite of his protest, his stone viz. Art. No. 1 in item No. 46 was auctioned by the Sessions Judge and his grievance unredressed bythe authorities.

His estimate of the best of the three nose-screws viz. Art. No.2 is Rs. 100/ and the other two viz., art. Nos. 3 & 5, he estimates at Rs. 70 or 80 each. These figures fairly approximate the estimates given by witness Narayana Setti. He estimates Art. No.4 at Rs. 150/ He is unable to give the estimates of other articles. On the whole his estimate of the total value of the loss sustained by Venkatasamachar and Maddia in this connection is Rs.700 or 800/. His intimate relations with the accused-Venkatasamachari give weight to his statement which deserves consideration.

Thus it may be seen that the total approximate value of the missing jewelry can safely be estimated at Rs. 1000/ at the very outside and nothing more.

There is a bit of internal evidence in the records which throws some light on the total value of the missing jewelry belonging to Venkatasamachari and not identified or claimed by the complainant Maddiah. I invite attention the marginal remarks of the then City Magistrate Mr.N.Venkata Rao upon the order of the Sessions Judge in Criminal Mis case No. 34 of - 1904-05 (vide flag R) This estimate of the value viz, 2000/ or more must have been quoted by the City Magistrate only after

after consulting the accused-Venkatasamachari or his counsel, though there is nothing on record to show this. The Sessions Judge was accordingly addressed in docket No. 124 dated 2.3.05

There is also ~~no~~ another piece of evidence re the probable estimate of the missing jewelry . I invite attention to the marginal query made upon the latter addressed by the then Sessions Judge Mr.M.Ramaswami Iyer to the then District Magistrate Mr. H.H.Sparkes (flag P) The reply to the District and Session Judge is evidently in the hand-writing of the then District Court Sheristedar or some other court official. In this it is stated that Mr.Evers the Advocate for the complainant, estimated the value of two English cut loose diamonds at Rs.3000/. These probably are identical with Art. No. 4 in item No 46 and belonged to the complainant Maddiah. And the accused Venkatasamachari is stated to have contended that his packet, evidently meaning item No.46, comprising all the 5 articles reported to be missing and some other was worth --- Rs.5000/. These are mere casual statements of interested parties and have their own value attached to them.

Venkatasamachari from all accounts was only a broker of not much means, who was dealing more with properties belonging to others than with his own. It cannot be supposed that what he called his own property found along with those connected with the case but not identified by the complainant as his own, would have been anything of much value. If the loss was really so great as was represented at the time, neither he nor the complainant Maddiah would have hardly kept quiet so long without agitating about it persistently.
I have not been able to get at either of them though this enquiry is being dragged on for the past 6 years.

Taking all things into consideration my estimate of the missing jewelry as specified above can by no means exceed Rs. 1000/ at the very outside
After all, these articles may not have been lost at all .
It is not unusual for the parties, particularly the complainant to tip the Police, when their work of prosecution is appreciated. In the present case the complainant Maddiah would

would have lost property worth several thousands but for the prompt action of the Police in searching the house of the accused and arresting him. The Court officials too must have claimed a share in these perquisites. It is significant that the five missing jewels are all small articles, 3 of them being nose-screws and the rest loose diamonds and all being suitable articles of presentation. The complainant having been able to recover almost the whole of his property, could have well afforded to make a gift of three small articles some of which belonged to the accused-Venkatasmachari Otherwise, his passiveness in this matter cannot be understood or explained. The accused Venkatasamachari, a poor beggar, could not afford to lose even what little he could claim as his own and hence his loud complaint in the Sessions Court about the loss of his packet.

I waited for over one whole year, since the examinations of the Panchayetdars, just to see if either Venkatasamachari or Maddiah would turn up at least now to speak to the exact value of the missing jewels, but to no avail. I cannot help repeating that it is hard to believe that the parties would have remained quiet so long, if the articles reported to be missing were really as valuable as they represented them to be. As the matter has been already pending too long with me and reminders are being received from time to time, I could wait no further and hasten to submit this report much regretting the inordinate delay in doing so.

I have the honor to be

sir,

your most obedient servant

District Magistrate of

Mysore.

Enclosure No 26 (25)

References

Flag A Receipt no 207 in red pencil
K Yard 21-4-05
Letter from the Secretary Judge to the City Magistrate
by the post himself
bringing to notice the receipt of the jewels
by Mr Bolt referring to the breach this Yard.

B Receipt no 208
21-3-05
Yard from City Magistrate in S. Judge asking
for withdrawal & sent him 4 articles & cash
& the two receipts issued by the bailiff
Refers to the breach of this Yard

Preamble of the Notice—
articles 1 to 4 very precious & not to be

6. Last para of the Judge's order dt 27-2-04
asking Merchant sent to the Asst. Dy.

E. Petn. dated 20/1/04 (Receipt no 76)
from Pattamma Selvi praying for the return of
a loose diamond worth Rs 100-0-0
also marginal order of the City Magistrate

7. Petn sent from Karaimedu Selvi now
loose Selvi praying for return of a
gold Rs 10-0-0
Petn rec'd 6-2-04 vide City Magistrate's
order

9. Dy Supdt Merchant dt 3/2/04 refers to the seized bone
wicket & brass.

H Receipt no 137-8-4 Receipt list of articles in red wicket pencil
Letter of Ch.-Clk. covering list. Ex. No 46
in B of 6.9.

I Extracts from the Register of the Survey Office
in the matter of coconut holdings Nos. 1 to 5 of
the Island of Iona

J. Copy notice order of 10-1-04 & the Petition praying
for grant Pattamwaichimbone & Petition
report-thereon

K. Copy of Application for lease of
Coconut Plantation Island of Iona
Plan item No 46 is not

L Map of Iona & Hydrographical Report in respect
of item No 46
in which the Coconut Islands
are marked. Dated 6.9.05

M. Copy of Report of Capt. Bridge on 1-4-05.

N. Statement of Pundas Collected at the
Exchequer Office, Iona for the year 1904

O. D & S. Govt's Letter Secret No. of 22/4/05
& the Govt. order on the Mining Leases.
Also a description of the Leases mining

P. Letter from the Govt. Agent to D. & S. Judge
vide marginal remarks of the same
Court official re the value of the mining
Leases & Statements of Accounts & Duty
Q Statements before Court of Inquiry of 30th April/05

R. Map of Iona vide marginal remarks of Court of Inquiry of 2/3/05
in the Action No. for the Lease with Rights & Privileges (2 to 5 Annexes)

3

GPB—20,000—14-10-09

Deposition sheet.

Form No. 90, Criminal.

Deposition of witness No. _____ for _____

taken on affirmation ~~oath~~ this 7th day of March 1960

during office

Witness' age appears to be about 37 years.

My name is Ananthe Ramayya

My father's ~~husband's~~ name is Puja Iyer

I am by caste Sri Vishnava and by occupation Police Inspector

I reside at Tarikere Taluk Tarikere

District Kadur

I cannot remember the missing jewels

Case by Nagaraja & Venkataramanabhatta

in No 3/9 1960 as I can remember, they were one

pair of loose diamonds & one a two rose-set

I see the Mahazar & Jabdah Paper in

the file. It is in my own hand writing.

Hay

As the proper value of these articles cannot be given by the Panchayatdars, I cannot but enter the value of the several articles

as per Memo. As these articles were seized under the Cr.P.C. warrant, no reference need be made to the Panchas & they have been shown to them. See item No 46 in the list.

This item I believe comprises all the missing jewels of which I can remember only the pair of loose diamonds & the two rose-set

I cannot give the value of these articles

even approximately.

I was on the present occasion during the trial of the case before the Sessions Court

(4) 39

GPB—20,000—14-10-09

1
Deposition sheet.
Form No. 38, Criminal.

Deposition of witness No. 2 for

taken on ~~affirmation~~ / ~~oath~~ this 7th day of March 1910

Witness' age appears to be about 60 years.

My name is Mahomed Khasim

My ~~father's~~ / ~~husband's~~ name is Abdul Nabi

I am by caste Mahomedan and by occupation Retired Sergeant of Police

I reside at Mysore Taluk Mysore

District Mysore.

I was present at the search carried out by Venkatasubbachari based under a warrant issued by the Acting Police Court. The search was carried out in the house of ~~the~~ deceased Chief Inspector Narasimha Iyengar & Mr Cumberbatch Chemical Examiner deceased.

I see the search Roll now shown to me & acknowledge my signature thereon.

I am not in a position to give the value of any particulars which were found in the search.

I am not aware of the fact that certain jewels were found ~~in~~ when the search was taken by Police Court

Read over & admitted correct

7/3/10

(5)

GPB—20,000—14.10.09

Deposition sheet.
Form No. 38, Crimina

Deposition of witness No. 3 for

taken on ~~affirmation~~ oath this 7 4 day of March 1910

Witness' age appears to be about 48 years.

My name is Narajana Setty

My ~~father's~~ husband's name is Dasa Setty

I am by caste Vaisya and by occupation Merchant

I reside at Mysore Taluk Mysore

District Mysore

I was present when the house of Gunjam Chinnaiah Venkataramanachari was searched in the Police some 5-6 years ago. I know the house and the locality. I see the search list. Signature.

I identify the articles in the list, at the time of search.

I know the ~~them~~ name of articles comprising item No 46 in the list.

The articles belonged to Gunjam Venkataramaiah & might have been worth Rs 70-80.

There were 2 or 3 more sarees among the articles found.

The cheapest one of them might have been worth Rs 100-120, the middle ones about Rs 50-60 & the smallest might have been worth Rs 20-30.

I [illegible] of those

flat diamonds. They may be worth £200-0-0
I can't remember how many are rose cut
cut diamonds.

I had given one £100 & Kentledge
valued at £80-0-0 - He would do for £60-0-0
but I declined to sell it & am to keep
Now £80-0-0 - He let him have £10-0-0
& left off the rest of the balance, making
£70 in all & I am - His stone also
was found in the search & I have left it
at & Chetty Curtibah Mamalakanna Pillay's
belonging to me - I believe I am to
get & return my stone & me, but the
case is in progress in Court -
Dont I read - No reply on my stone -
When all the attached property was sold
after the conclusion of the case, I heard
people talk that a few rose-stones
were missing - I did not know of the loss of
rose diamonds & my stone too was among the
articles sold - And even when I protested
at my stone being sold along with the other
articles but no one heard my protests -
Rajanikanta Mukherjee Chetty also wrote
of the stone being sold -
Read and corrected
7/3/10

(6) 37

GPB—20,000—14-10-09

Deposition sheet.

Form No. 38. Criminal.

Deposition of witness No. 4 for

taken on ~~affirmation~~ oath this 8th day of March 1910.
my appeal

Witness' age appears to be about 35 years.

My name is Gundu Setty

My ~~father's~~ husband's name is Subba Setty

I am by caste Vaisya and by occupation Merchant

I reside at Sivaram Pet Taluk Kolar

District Kolar.

I have to say that on the 31st of 1904-05 on the day in question, before which, Narasi Iyer Venkataramanachar & myself I Venkataramanachar & myself I had respectively - in our respective, Venkataramanachar & myself I had been searched by the Police & I was present at the time of the search I see Sheristadar & Inspector Police at the time & I see receiving my goods Rama - we were not asked by the Police Rama Rao to show the articles & were the estimated values of the seized articles weighed in the search. At 5 such possible was for a perusal of the Police ~~and~~ and also to form ~~one~~ an approximate value

Hag I

articles - heard

I have just now seized ~~items~~ articles

~~at~~ item No 46 in the Sheristadar

seized & one - the last article my

respective Sultanchelli diamond bangle

sold at the auction sale held in the Lower Court
for Rs 70-80 & I was one of the confederacy that
bought the said document. Regarding the
letter was despatched at the time of the sale by
Le Mesurier said that he had handed a letter
to the Lower Court bid.
I do not remember having seen the Lower Court
or the other three stamps enclosed in them No 46
Ventotasinechun left Jaffna for Colombo
after the release from Jail & I don't know
his
his whereabouts—

Read over & corrected
Wbanchinga
8/3/10

(1) 39

GPB—20,000—14.10.09

Deposition sheet.

Form No. 38, Criminal.

Deposition of witness No. 5 for

taken on ~~affirmation~~ oath this 22d day of April 1910.

Witness' age appears to be about 55 years.

Read & attested

My name is Puttannachetty

My ~~father's~~ husband's name is Kempanna Chetty

I am by caste Nagarthan and by occupation merchant

I reside at Mysore Taluk Mysore

District Mysore

I have a criminal case No. 31 of 1904 in which Madhva & Venkatamma chetty have complained against me. When the Police search was made of the said Venkatamma chetty in the absence of a warrant issued by the Court of Justice I was also present. A loose diamond with chut Rs 100-0-0 was found by me & the Venkatamma chetty & others. I was kept by me, since 5 or 6 days previous to the Police search. When I asked the Police & let me have the diamond back, they would not permit me. The said that I will go to the Magistrate & obtain his orders for taking back the diamond to myself. Accordingly I offered to the Court the diamond

on the termination of the Case – Sales effect on Lewis's visit when the case heard up before him. He also referred to Sandicroft – I have not seen anything to do of with Hoppé E in the file.

I have the several articles making up the 46-in the Schedule of the Price Hoppé I. This item contains my stereoscopic I can see in the exact value of the other items comprised in this item, as far as I can remember, my estimate of the rose-screens is not more than £10 to the best – of the three mentioned there are the two rose-screens may with the Hollard-cut dining

I can see the value of the Hollard-cut large & small dining with 18-in number

remember being the Valentines themselves, at the time the case was heard before Lewis and, I think, of the left, that the best-cut ones [illegible]

(8)

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did not give me the particulars of the articles found missing. The second item comprising item no 46, excluding magpie stones, may fairly be estimated at the amount mentioned by him. My stone was sold & the proceeds kept by me but as I was not present, the cost of them, I could not protest. I don't know what orders were passed on my petition.

I did not press the matter again as I learnt it meant much trouble & expense.

Yours most obediently

Venkatachalam

22/4/10

19

680/17

42

Fair draft

G.R.S. 28]

File No. 265-05

Serial No 11

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 19

Date of issue 4th July 1912

Signed by M.S. Aiyangar

READ— Letter no. 7400/381 D. 16-4-06 from the Registrar, Chief Court of Mysore, forwarding correspondence between the Sessions Judge ~~of Mysore~~ & the Dt. Magistrate of Mysore

~~ORDER THEREON.—No.~~

regarding the loss of certain jewels connected with Mysore Sessions case no. 31 of 1904-05 & stating that the Judges consider that the case is a scandalous one & requires

over.

SUBJECT.

GPB—10,000—29-9-10.

680/17

a thorough enquiry by a Special officer.

2 Govt. Pro: no. J 3567-81 dts 265-05-2 dy 21.6.06 directing the District Magistrate of Mysore to investigate the matter himself and report the names of persons responsible for the loss of the jewels for suitable punishment.

3 Correspondence ending with letter no. 132 dy 3rd Septr 1911 from the Dt. Magistrate of Mysore in the matter.

Order thereon: No. J 68-71/dts 265-05 dy 4.7.

The facts of the case as elicited from the Enquiries conducted from time to time are briefly as follows:—

1 Certain jewels were produced in criminal case no. 34 of 1903-04 on the file of the city Magistrate of Mysore. This case was committed to the Sessions & the jewels were ordered to be deposited in the

Taluk Treasury. When the jewels were produced in the Sessions Court ~~that~~ it was found that some of them were missing. The City Magistrate Mr. N. Venkata Rau who was asked to hold an enquiry into the matter reported that the officials of his Court were not responsible for the loss, as the jewels had been not in their custody at all at the time of the trial of the case but had been left in the custody of the Police. But Mr Sparkes, who was then the Dt. Magistrate of Mysore, however was of opinion that the loss was attributable to the carelessness of the officials of the City Magistrate's Court. The Chief Court while reporting the case to Govt., suggested that an independent officer might be deputed to hold a thorough enquiry into the case. The Dt. Magte of Mysore was thereupon directed to make a personal investigation into the

25

report

matter & submitted to Govt for suitable punishment the persons responsible for the loss of the jewels. In the memorandum submitted by him (Mr. Kantaraj Urs) to Govt. with his letter no. A 8, 26th April 1909. D.M (Mr. K.R. Urs) he holds two officials of the City Magistrate's Court (Bhima Rau & Subbaraj Urs) & two Police officers (Anantarama Concerned in the investigation of the case Iyengar & Chelluiah) responsible for the loss of the jewels. Of the two latter, Chelluiah is now dead.

2 On a careful consideration of all the facts connected with the case, Govt. ~~accept the view of the~~ One of Opinion ~~Dy Magte of Mysore (Mr K Subbaraj Urs)~~ two officials of the City Magt's Court and Ananta Rama Iyengar that the ~~four officers~~ named above should be held responsible for the loss of the jewels in question. It has not been clearly proved which (if any) of them is actually ~~concerned~~ in the misappropriation of the lost articles, but there is sufficient evidence to hold that the loss should

GPB—15,000—19-11-11

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

be attributed atleast to the carelessness of the above named officials in neglecting to take the ordinary precautions laid down by the rules during the investigation of the case and ~~jewels~~, when the jewels were produced for inspection during the trial before the City Magistrate. As an instance reference may be made to the omission on the part of the Police officer Anantarama Ijengar to Submit a 'property list' (or mālpatti), though property of very considerable value had been seized. Again, the clerks of the Court failed to enter the jewels in the Property Register though the directions contained in the Criminal rules of practice in the matter are imperative, required to be maintained in every Criminal Court

3 It is unnecessary to refer to the other facts elicited in the enquiry as the Govt. are satisfied that the loss of the jewels could not have occurred

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if the four officials had done their duty properly. Govt. accordingly direct that the value of the missing jewels which, on enquiry, has been ascertained by the Dt. Magte to be Rupees one thousand, be recovered in equal Shares from the officials (Bhima Rau, Subbaraj Urs & Anantarama Iyengar) & that the recoveries be made in ~~Soon be recovered in equal~~ instalments equal to one-fourth of ~~of what each gets from~~ the pay in the case of Subbaraj Urs (Court clerk) & Anantarama Iyengar (Police officer) & of the pension in the case of Bhima Rau (Head Munshi) who is said to have retired.

4 The Comptroller is requested to report the total amount recovered from the persons named above at the ~~beginning~~ end of each official Year (for the information of Govt.

Separate orders will be passed in the matter of the payment

SPB—15,000—13-11-11

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet/draft form.)

money & the party entitled
of the ~~Sum to complainant~~ to it
~~Maddaiya absconded~~ when
appears & claims the Same
Compensation for the loss
of his property

Secy to Govt.

do.

The Registrar, Chief Court of Mysore

" Dt. Magistrate of Mysore returning the records.

" I.G. of Police in Mysore

" Comptroller, Mysore Govt.

KN(123) SN(111)
10.5.12.